IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

WP(Crl.).No. 91 of 2007(S)

PETITIONER:

GOPINATHAN NAIR,S/O.PONNU PILLAI,
VADAKKEVILAKATHU VEEDU,
PUNNAKKARIKKAKAM, POOVACHAL P.O.,
NEDUMANGADU TALUK.

BY ADV. SRI.G.SUDHEER

RESPONDENTS:

1.CIRCLE INSPECTOR OF POLICE, KATTAKKADA
CIRCLE, THIRUVANANTHAPURAM DISTRICT.

2.SUB INSPECTOR OF POLICE, MARANALLOR
POLICE STATION, NEDUMANGADU.

3.SHIBURAJ.B.S.,KOOVALATHUVILA VEEDU,
ANTHIYOORKONAM, KOLLODE P.O.,
NEYYATTINKARA TALUK.

BY GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 13/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. KOSHY and T.R.RAMACHANDRAN NAIR, JJ.

W.P. (CRL.) No.91 of 2007 S

Dated this the 13th day of April, 2007

Judgment

Koshy, J.

This is a petition for production of petitioner's wife and daughter. According to the petitioner, petitioner married one Asha in 2000, but, the marriage did not last. A girl child was born in that wedlock and it is the case of the petitioner that the child is under the illegal custody of third respondent. It is also submitted that they are living apart for more than five years and it is the allegation that the girl is with the third respondent. If that be so and if the petitioner wants the custody of the child or any action against the wife, it is the duty of the petitioner to approach the Family Court for appropriate orders. It is also submitted that a man-missing case is already registered. If the above crime is not enquired into according to law, it is for the petitioner to approach the concerned magistrate's court.

There is no merit in the habeas corpus petition. The habeas corpus petition is disposed of without prejudice to the right of the petitioner.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

vaa

J.B. KOSHY AND
T.R.RAMACHANDRAN NAIR, JJ.

W.P.(CRL.) NO.91/2007

JUDGMENT

Dated:13th April, 2007